

REMARKS

Applicant has reviewed the Request for Information mailed November 3, 2005 (the "Request"). Specifically, the Patent Office has requested that Applicant indicate whether the presentation of indicia to customers for remote payment is known to those of ordinary skill in the art (see paragraph #2 of the Request).

Applicant provides the following response. This information is provided in good faith and candor based on the personal knowledge of the undersigned. This information is provided without performing any additional searches and without scouring the undersigned's files for documentation relating to each of the fields discussed below. If the Patent Office requires a more thorough examination of the undersigned's files, please so inform the undersigned so that such an examination may be undertaken.

Applicant also provides a brief explanation of the relevance (or lack thereof) for each of these fields.

1) Change Back

Applicant is aware that some fuel dispensers incorporate cash acceptors like those found on slot machines, for example. The customer inserts cash for payment and dispenses fuel. If the customer has overpaid, the customer may be entitled to change back. Typically, the customer is issued a receipt, which is carried to a point of sale or cash back dispenser to receive the change from a cashier.

In this field, Applicant is aware of the following patents relating to receiving change during a cash transaction: 5,895,457 to Gary-Williams Energy Corporation; 5,842,188 to JTW Operations; and 6,055,521 to JTW Operations. Applicant is also the owner of U.S. Patent No. 6,813,609, which discusses the concept of refunding change with a transponder as the identifying element. While these patents do disclose providing a first something to the customer so that the customer may get a second something, the first something is a receipt (analogous to the transaction accounting) and the second something is the change (not the transaction accounting).

2) Information

Applicant is also aware that information may be purchased at the fuel dispenser and delivered elsewhere. That is, during the course of a fueling transaction, the customer may

purchase some information, such as an audio file. The audio file is subsequently delivered to the customer. Again, this concept relates generally to receiving a first something at the fuel dispenser to receive a second something at a remote location.

Applicant is the owner of a series of applications related to this concept that culminated in at least one issued patent, namely U.S. Patent No. 6,912,503. These disclosures differ from the present invention in that the second something is not a transaction accounting.

3) Other Goods/Services

As noted in Applicant's specification, it is known to purchase goods and services such as car washes at the fuel dispenser (see specification, page 1, lines 25-27 and page 3, line 28 - page 4, line 4). In addition to car washes and the like, other goods and services may also be purchased. To effectuate these purchases, these systems may provide some code or ticket to the customer. The customer then uses the code or ticket to have the second something delivered.

Applicant is the owner of U.S. Patent No. 6,810,304, which discloses the use of a transponder as the mechanism through which the code is provided. These concepts again relate generally to receiving a first something from the fuel dispenser to secure a second something. In these systems, the second something is not a transaction accounting.

4) Couponing

There are several fuel dispensers that issue coupons to customers as a result of the customer's activities at the fuel dispenser. These coupons may then be used by the customer to reduce the cost of a subsequent purchase.

An exemplary system, date unknown, is disclosed at http://www.gilbarco.com/press_release.cfm?ContentItemID=178. Such systems continue the trend of receiving a first something at the fuel dispenser and using the first something to receive a second something. However, the second something is not a transaction accounting.

5) Internal Cash Transactions and Other Internal Receipts

Applicant is also aware that in traditional cash transactions, the customer dispenses the fuel and then walks inside to pay for the fuel purchase. The customer makes a note of which dispenser was used, the amount, and then verbally reports these facts to the attendant. The

attendant calls up the transaction on the site controller, confirms the transaction totals, and requests payment for the transaction. However, in such a system, the customer is not presented indicia for remote payment. The customer could, on request, receive a receipt for the transaction from the attendant.

Related to the cash transaction system is the concept of duplicate receipts and the internal generation of a receipt when the fuel dispenser is out of paper. In either case, the customer pays for the fuel at the fuel dispenser and needs a receipt (either because the fuel dispenser cannot print a receipt or the customer needs a duplicate receipt). The customer makes a note of the dispenser used, the amount, and then verbally reports these facts to the attendant. The attendant calls up the transaction on the site controller, confirms the transaction totals, and prints a receipt for the customer. However, the customer does not receive indicia with which to secure the transaction accounting.

If the Patent Office requires copies of any of the documents referenced herein, Applicant requests that the Patent Office contact the undersigned so that such documents may be sent to the Patent Office.

In light of Applicant's information, it remains clear that presentation of indicia to customers for remote payment is not taught or suggested by this information. Applicant earnestly solicits claim allowance at the Examiner's earliest convenience.

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Respectfully submitted,
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